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WOODCOCK WASHBURN LLP (MICROSOFT CORPORATION)
ONE LIBERTY PLACE - 46TH FLOOR
PHILADELPHIA, PA 19103

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| EXAMINER |
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KE, PENG

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| ART UNIT | PAPER NUMBER |
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2174

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 09/775,033 | Applicant(s) FRIEDMAN ET AL. | |
| | Examiner Peng Ke | Art Unit 2174 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 and 42-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 and 42-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to communications: Amendment, filed on 8/17/05.

This action is Made Final.

Claims 1-27 and 42-67 are pending in this application. Claims 1 and 42 are independent claims.

Since the applicant fails to traverse the examiner's assertion of official notice, official notice is taken to be admitted prior art.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-17, 20, 21, 24-27, 42-58, 61-62, and 65-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paroz (US 6,587,125) in view of Humpleman et al. (US 6,243,707).

As per claim 42, Paroz teaches a computer system wherein a user controls at least one computing element first computing device), the system comprising:

at least one computing element each having a canonical user interface description associated therewith;

a universal console (second computing device) for controlling at least one computing element and storing user preferences therein (col. 4, lines 5-11);

wherein a computing element of at least one computing element communicates its associated canonical user interface to the user console; (col. 7, lines 13-15)

wherein the user console generates a concrete user interface description from the user interface and the stored user preferences; (col. 8, lines 60-69)

wherein a user thereafter utilizes the user console to control the computing element via the concrete user interface by selecting at least one action-command (col. 3, lines 16-34).

However, Paroz fails to teach using a predefined user interface.

Humpleman et al. teaches using a predefined user interface. (col. 11 lines 50-col. 12 line 3)

It would have been obvious to an artisan at the time of the invention to include Humpleman's teach with method of Paroz in order to allow user to control home devices through a home network or the internet.

As per claim 43, Paroz teaches a computer system wherein selecting at least one action command includes requesting information about the state of the at least one computing element (ability to detect changes in the status of the first computing device) (col. 4, lines 5-11).

As per claim 44, Paroz teaches a computer system wherein a user of a universal console interacts with at least one group hierarchy to obtain data in connection with the selected at least one action-command to be carried out by the computing element (software intermediaries) (Fig. 1 & Fig. 2, col. 7, lines 5-15).

As per claim 45, Paroz teaches a computer system wherein the storage of user preferences includes the storage of data indicating at least one disability of the user

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(customizable/unique and different from user interface of first application) (col. 11, lines 64-67),

As per claim 46, Paroz teaches a computer system wherein at least one computing element carries out at least one action-command (col. 11, lines 23-54).

As per claim 47, Paroz teaches computer system wherein the universal console receives notification from the at least one computing element (output originating from application in first computing device is sent to second computing device) (col. 11, lines 48-51).

As per claim 48, Paroz teaches a computer system wherein the notification includes at least one of an error message, warning message, status update message and state change (status change) (col. 4, lines 17-25).

As per claim 49, Paroz teaches a computer system wherein the canonical user interface description is formatted according to an XML, stream (col. 10, lines 45-51).

As per claim 50, Paroz teaches a computer system wherein selecting at least one action command includes requesting a list of available devices that may be controlled by universal console (col. 8, lines 39-45, col. 8, lines 61-65).

As per claim 51, Paroz teaches a computer system wherein communications between the universal console and the computing element are made via HTTP (col. 3, lines 21-28).

As per claim 52, Paroz teaches a computer system wherein the computing element is one from the group of a computing device and an application (group includes mobile phone, pda, etc.) (col. 3, lines 28-34).

As per claim 53, Paroz teaches a computer system wherein the remote procedure call mechanism makes calls according to the Simple Object Activation Protocol (other Internet protocols other than HTTP are used/acceptable) (col. 7, lines 46-62).

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As per claims 54 and 55, Paroz teaches a computer system wherein the canonical user interface description includes a description associated with a parameter for choosing one element a from a set A and a description associated with a parameter for selecting a subset, 4 ' from a set A (personal digital assistant has single element and multiple element selection capabilities) (col. 7, lines 40-46).

As per claim 56, Paroz teaches a computer system wherein the canonical user interface description includes a description associated with a parameter for selecting one from the group of True/False, Off/On, OK/Cancel and Yes/No (col. 3, lines 15-20, col. 1, lines 59-61).

As per claim 57, Paroz teaches a computer system wherein the canonical user interface description includes a description associated with a parameter for selecting an integer n in the range n₁ through n₂, with an increment (increment window size, font, etc) (col. 13, lines 1-5).

As per claim 58, Paroz teaches a computer system wherein the canonical user interface description includes a description associated with a parameter for selecting a real number x in the range x₁ through x₂ with an increment (change language, color, etc) (col. 13, lines 1-5).

As per claim 61, Paroz teaches a computer system wherein the canonical user interface description includes a description associated with a parameter type for the modification of a given first string s, resulting in a second string s' (change static text to something different)(col. 11, 5-13).

As per claim 62, Paroz teaches a computer system wherein the canonical user interface description includes a description associated with a parameter type for ordering the elements of set A into A' (layout manipulation) (col. 11, 5-13).

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As per claims 65 and 66, Paroz teaches a computer system wherein the canonical user interface description includes a description associated with a command construct that specifies at least one action to be sent to the controlled element that will carry out the action command and a computer system wherein the canonical user interface description includes a description of the parameters associated with the at least action (output sent to and from computing devices, user input is recognized) (col. 11, lines 23-54).

Claim 67 is rejected with the same rationale as claim 42. (see rejection above)

As per claims 1-17, 20, 21, 24 and 25 they are the method claims of claims 42-58, 61, 62, 65 and 66 and are rejected on the same basis. As per claims 26 and 27, they are the computer readable medium and modulated data signal claims of claim 42 and are thus rejected on the same basis.

Claims 59-60, 63-64 and 18-19, 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paroz (US 6,587,125) in view of Humpleman et al. (US 6,243,707).

As per claims 59 and 60, in addition to what has been discussed for claim 42, Paroz does not specifically disclose the limitation of a computer system wherein the canonical user interface includes a description associated with a parameter type for an arbitrary string *s* or wherein the arbitrary string *s* is to be selected from a suggestion set of strings *S*. However, Official Notice is taken that selecting a string from a set of strings is well known in the art, particularly in personal digital assistants, therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate string selection in order to allow the user to select text commands with ease.

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As per claim 63, in addition to what has been discussed for claim 42, Paroz does not specifically disclose a computer system wherein the canonical user interface description includes a description associated with a parameter type for pairing set A elements with set B elements. However, Official Notice is taken that it pairing element in a GUI is well known in the art, therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to pair various elements in the user interface together in order to create an image that might improve the usability of the interface.

As per claim 64, in addition to what has been discussed for claim 42, Paroz does not specifically disclose a computer system wherein the canonical user interface description includes a description associated with a group construct that contains at least one of commands and subgroups. However, Official Notice is taken that creating subgroups in within interface subgroup is well known in the art, particularly in the interface design of a personal digital assistant therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate sub-grouping in order to create a more appealing navigation system for the user.

As per claims 18-19, and 22-23, they are the method claims of claims 59-60 and 63-64, and are rejected on the same basis.

Response to Argument

Applicant's arguments filed on 8/17/05 have been fully considered but they are not persuasive.

Applicant's arguments focused:

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Applicant argues that Paroz fails to teach “storing user preferences therein” and generating a concrete user interface description from the user interface and the stored user preference.”

Examiner disagrees. The examiner does not agree for the following reasons:

During patent examination, the pending claims must be "given >their< broadest reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

In this case, Paroz teaches this limitation because he stores users status in the local server. (col 7, lines 13-15) and he generates the DHTML based on the parameter stored in the local server. (col. 8, lines 60-70) Furthermore, each individual user is giving his or her own mediator on the local server. (column 39-45) Therefore Parazo teaches, “storing user preferences therein” and generating a concrete user interface description from the user interface and the stored user preference.”

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (571) 272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Peng Ke

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100